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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,850	09/30/2003	Michael John David Taylor	19111.0125	6165

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EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,850	<b>Applicant(s)</b> TAYLOR ET AL.	
	<b>Examiner</b> Sam Rimell	<b>Art Unit</b> 2165	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**SAM RIMELL  
PRIMARY EXAMINER**

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-10: The preambles in each of claims 8-10 appear to be addressed to method steps of generating text statements in an SQL language. However, the body of each claim is addressed to end results of the processing after the statements have already been generated. Accordingly, the preambles of claims 8-10 are inconsistent with the body of each claim, rendering the claims indefinite.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-10 are rejected under 35 U.S.C. 101 because the invention as claimed is inoperable and lacks patentable utility.

Claims 8-10: Each of claims 8-10 calls for the construction of SQL statements that will return items from a database and perform calculation steps. SQL statements are merely text statements. The statements themselves do not perform any returns of data or calculations. These functions are performed by the processor or database management system after a SQL statement has been submitted to the processor. Since each of claims 8-10 are requiring that the SQL text statement itself perform these functions, and not the processor or database management system, the invention is inoperable as set forth in claims 8-10, and thus lacks utility under 35 USC 101.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ziauddin et al. (U.S. Patent 6,493,708).

Claim 1: FIG. 1A illustrates a table for which a hierarchical set of data exists. The hierarchy is: day→month→quarter→year (also see col. 2, lines 21-21 that define this data as residing in a hierarchical relationship).

Col. 2, lines 50-57 provides a SQL statement using standard SQL commands that are input by a user. The predicates within the standard SQL command “SELECT” (col. 2, line 52) will identify at least one table (the time table in FIG. 1A) that contains hierarchically arranged data. In this instance, the SELECT command will identify the columns for “month”, “quarter” and “year”, which are hierarchically related.

The SQL command is presented to a processing system that will extract the columns containing this data in order to calculate another table “MV1”.

Claim 2: The SELECT command (col. 2, line 52) entered by the user identifies three columns of data: “month”, “quarter” and “year” respectively that are to be retrieved. “Month” is the child of “quarter” and “quarter” is the child of “year”.

Claim 3: FIG. 1A illustrates a null value in the second to last row for the column of “year”. The “year” is at the top of the hierarchical relationship. It is also noted that a null value

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is always a default value in database table. Until such time as the data is actually filled into the table, the value in each row and column are null values.

Claim 4: The SELECT command (col. 2, line 52) specifies that a parent column (the column for “year”) is to be identified.

Claim 5: The SELECT command (col. 2, line 52) specifies that at least three columns of hierarchical data are to be specified. These are the columns for “month”, “quarter” and “year”. These columns are drawn from the time table (FROM time\_tab t) which is the table of FIG. 1A.

Claim 6: Col. 2, lines 64-67 illustrate an SQL query in which an aggregation is performed (the SUM command). The result of this query is an aggregation that produces of column of data indicating total sales for each month. This is considered a leaf sum aggregation because the month is one leaf node in the hierarchy of “month”→”quarter”→”year”.

Claim 7: Column 3, lines 34-45 illustrate an SQL query in which an aggregation is performed (the SUM command). The result of this query is an aggregation that produces a column of data indicating total sales for each year. This is considered a tree sum aggregation because the aggregation represents a summation of all values on the hierarchical tree, represented by “month”→”quarter”→”year”.

Claims 11-12: See remarks for claim 1.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
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